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Attorney for Material Witness:
ERMELINDO OLLUA-NAVA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(Honorable LOUISA PORTER)

UNITED STATES OF AMERICA,)	CRIMINAL CASE 08CR1551-JAH
)	MAGISTRATE CASE 08MJ1421-POR
)	DATE: June 10, 2008
)	TIME: 2:00 P.M.
Plaintiff,)	COURTROOM H
)	
v.)	NOTICE OF MOTION
)	AND MOTION FOR ORDER
ROSALIO ALATORRE, Jr,)	SETTING VIDEO DEPOSITION
OSCAR IGNACIO BARRERA-SANTANA)	OF MATERIAL WITNESS
)	ERMELINDO OLLUA-NAVA
)	
)	
)	
)	
Defendants.)	

TO: ALL NAMED PARTIES AND THEIR ATTORNEYS and ASSISTANT UNITED STATES ATTORNEY, Attorney for Plaintiff, THE UNITED STATES.

PLEASE TAKE NOTICE that on Tuesday, June 10, 2008 at 2:00 P.M. in the Courtroom H of the Honorable LOUISA PORTER, or as soon thereafter as counsel may be heard, the material witness, ERMELINDO OLLUA-NAVA, by and through counsel, AL SMITHSON, will bring the above entitled motion.

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MOTION

The material witness, ERMELINDO OLLUA-NAVA, by and through counsel, AL SMITHSON, and pursuant to Rule 15(a) of the Federal Rules of Criminal Procedure, and pursuant to 18 U.S.C. Section 3144, moves for an order to secure a video deposition of testimony of this material witness pending trial, and for an Order for release from custody immediately thereafter.

This motion will be made on the grounds that this witness is unable to meet any condition of release and that his testimony can be adequately secured by deposition and that detention is not necessary to prevent a failure of justice and that further detention imposes a severe hardship on the witness and his family.

This motion will be based upon the Declaration of Attorney AL SMITHSON, the Memorandum of Points and Authorities in support of this motion, and all documents and records on file herein, and upon such oral testimony as the Court may deem proper.

DATED: May 26, 2008

/s/ Al Smithson
AL SMITHSON, Attorney for
ERMELINDO OLLUA-NAVA